

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

BLUE SPIKE, LLC, § Civil Action No. 6:12-CV-499 MHS

Plaintiff, § LEAD CASE

v.

TEXAS INSTRUMENTS, INC., §

Defendant.

BLUE SPIKE, LLC, § Civil Action No. 6:13-CV-00125 MHS

Plaintiff, § CONSOLIDATED CASE

v.

ENTROPIC COMMUNICATIONS,
INC.,

Defendant.

**DEFENDANT ENTROPIC COMMUNICATIONS, INC.'S NOTICE OF
JOINDER AND JOINDER IN AUDIBLE MAGIC CORPORATION'S AND ITS
CUSTOMERS' MOTION TO TRANSFER VENUE TO THE UNITED
STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA UNDER 28 U.S.C. § 1404(a)**

Defendant Entropic Communications, Inc. (“Entropic”) hereby provides notice that it joins in *Audible Magic Corporation's and its Customers' Motion to Transfer Venue to the United States District Court for the Northern District of California under 28 U.S.C. §1404 (a)* (Dkt. 771) (“Motion to Transfer”). Entropic joins the Motion to Transfer in the alternative to *Entropic's Motion to Dismiss Plaintiff Blue Spike, LLC's First Amended Complaint For Indirect and Willful Patent Infringement For Failure to State a Claim On Which Relief Can Be Granted* (Dkt. 941) (“Motion to Dismiss”).

Entropic is accused in the Amended Complaint against it in the above-referenced action based on Audible Magic Corp.’s content identification services and technology allegedly used in connection with its “set-top box system-on-a-chip platform software, systems, and technology

enabled with automatic content recognition.” Dkt. 923 at ¶27; *see also* Declaration Of Bruce Greenhaus In Support Of Defendant Audible Magic Corporation’s And Its Customers’ Motion To Transfer Venue To The United States District Court For The Northern District Of California Under 28 U.S.C. § 1404(a) (“Greenhaus Decl.”) at ¶5. In addition, Entropic has design and sales facilities located within the Northern District of California. *See* Greenhaus Decl. at ¶4. Entropic has no offices, facilities, or employees working in the Eastern District of Texas and is aware of no relevant documents located in the Eastern District of Texas. *Id.* at ¶3. Thus, Entropic adopts by reference the briefing and argument in support of the Motion to Transfer and requests that, in the alternative to Entropic’s Motion to Dismiss, the Court order Blue Spike, LLC’s claims against Entropic (Case No. 6:13-cv-125) be transferred to the Northern District of California.

DATED: September 11, 2013

Respectfully submitted,

By: /s/ Alan H. Blankenheimer
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Attorneys for Defendant,
Entropic Communications, Inc.

CERTIFICATE OF CONFERENCE PURSUANT TO LOCAL RULES CV-7(h) and (i)

I hereby certify that Entropic has complied with the meet and confer requirement of Local Rule CV-7(h). On September 10, 2013, counsel for Entropic (Eric Caligiuri) met and conferred via telephone with counsel for Blue Spike, LLC (Randall Garteiser) regarding the present motion. Counsel for Blue Spike, LLC indicated that it opposes this motion and discussions have conclusively ended in an impasse, leaving an open issue for the Court to resolve.

Dated: September 11, 2013

/s/ Alan Blankenheimer
Alan H. Blankenheimer

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on September 11, 2013.

/s/ Alan H. Blankenheimer
Alan H. Blankenheimer